IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5964 of 2007()

CRIME NO.561/07 OF PANANGAD POLICE STATI0N

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: PETITIONERS/ACCUSED 1 TO 4

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1. SHIBIN, S/O. VIDHYADHARAN,
AGED 26 YEARS, RESIDING AT PULIKKATHARA HOUSE,
MARADU, ERNAKULAM DISTRICT.

2. VIPIN, S/O. VIDHYADHARAN,
RESIDING AT PULIKKATHARA HOUSE, MARADU,
ERNAKULAM DISTRICT.

3. DEEPESH, S/O. SOMAN, AGED 25 YEARS,
MUKKATHUPARAMBU HOUSE, MARADU, NETTOOR,
ERNAKULAM DISTRICT.

4. JOBAN JOSEPH, S/O. JOSEPH, AGED 19 YRS,
KALATHIL VEETTIL, PULIKKATHARA HOUSE,
MARADU, ERNAKULAM DISTRICT.

BY ADV. SRI.T.MADHU
SRI.K.V.BINOD

RESPONDENTS: COMPLAINANT

THE STATION HOUSE OFFICER,
PANANGAD POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5964 OF 2007

Dated this the 3rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 1 to 4. They face allegations of having committed the offences punishable, inter alia, under Sec.326 read with Sec.34 of the IPC. The alleged incident took place on 26/8/07. Iron pipes were allegedly used to inflict the injury. There are two victims. One of them has suffered a grievous hurt – fracture. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They are willing to surrender before the learned Magistrate. There may be a direction to consider their application for bail on merits, in accordance with law and expeditiously.

3. The learned Public Prosecutor opposes the application for anticipatory bail. There are no circumstances which would justify the prayer to invoke the discretion under Sec.438 of the Cr.P.C., submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that this is a fit case where the petitioners must surrender before the learned Magistrate and then seek regular bail. I do not find any features in this case which would justify or warrant the invocation of the powers under Sec.438 of the Cr.P.C.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrender before the learned Magistrate and seek bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge